

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GEORGE JARVIS AUSTIN,
Plaintiff,
v.
KERRI RILEY,
Defendant.

Case No. 21-cv-09347-JSC

ORDER RE: TIME FOR SERVICE

Re: Dkt. No. 12

Plaintiff is proceeding in this matter without representation by a lawyer. After Plaintiff filed his complaint on December 2, 2021, the Court ordered Plaintiff to either pay the required filing fee or complete an application to proceed *in forma pauperis*. (Dkt. Nos. 1, 2, 4.)¹ Plaintiff paid the filing fee and the Clerk issued the summons. (Dkt. Nos. 9, 11.) Plaintiff then filed a motion for leave or extension, (Dkt. No. 12), which the Court construes as a motion to enlarge time for service of the summons and complaint upon Defendant. *See* N.D. Cal. Civ. L.R. 6-3.

Under Federal Rule of Civil Procedure 4(m), a defendant should ordinarily be served within 90 days after the complaint is filed. A court may “extend the time for service for an appropriate period” if the plaintiff “shows good cause for the failure” to timely serve. Fed. R. Civ. P. 4(m). In his motion, Plaintiff represents that his “budget for this particular expense has been strained (combined with service issues), and thus [he] has need of additional time.” (Dkt. No. 12 at 2.) He notes that he is busy with various responsibilities, and requests an extension “until after April 12th, perhaps early May.” (*Id.*) Given that Plaintiff has already paid the filing fee, nothing in the motion establishes good cause to extend the time for service, which remains several weeks

¹ Record citations are to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of the documents.

1 away. Nor does the motion persuade the Court to exercise its discretion, absent good cause, to
2 extend the time for service. *See Efaw v. Williams*, 473 F.3d 1038, 1040–41 (9th Cir. 2007).
3 Plaintiff’s motion is therefore DENIED; he shall serve the summons and complaint on Defendant
4 on or before **March 2, 2022**.

5 This Order disposes of Docket No. 12.

6 **IT IS SO ORDERED.**

7 Dated: January 13, 2022

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10 JACQUELINE SCOTT CORLEY
11 United States Magistrate Judge
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